



Department of Defense DIRECTIVE

AD-A283 122



May 11, 1994
NUMBER 1322.16

USD(P&R)

SUBJECT: Montgomery GI Bill (MGIB) Program

- References:
- (a) DoD Directive 1322.16, "Veterans' Educational Assistance Act of 1984 (GI Bill)," March 25, 1985 (hereby canceled)
 - (b) Title VII of Public Law 98-525, "Fiscal Year 1985 DoD Authorization Act," October 19, 1984
 - (c) Title 10, United States Code
 - (d) Title 38, United States Code
 - (e) through (k), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a) to update policy, responsibilities, and procedures for the MGIB Program.
2. Continues implementation of reference (b), which amends parts of references (c) and (d).
3. Continues to provide a framework for the Department of Defense Education Benefits Board of Actuaries, established by reference (b).

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense and the Military Departments, including the Coast Guard by agreement with the Department of Transportation when it is not operating as a Service within the Department of the Navy. The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

D. POLICY

It is DoD policy that:

1. Eligible individuals who do not decline the MGIB shall be entitled to educational assistance, as determined and adjudicated by the Department of Veterans Affairs (DVA) by Pub. L. No. 98-525

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(1984), Title VII (reference (b)).

2. Supplemental and special skills benefits may be used only to overcome force manning problems and are subject to the approval of the Secretary of Defense.

3. No individual may receive benefits under Section 3012, Chapter 30, of 38 U.S.C. concurrently with benefits under Chapter 106 of 10 U.S.C. (references (d) and (c)).

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall:

a. Provide overall policy guidance for the implementation of the program established by reference (b), including, but not limited to the issuance of DoD Instructions.

b. Develop such implementing guidance as may be necessary with the DVA and the Department of the Treasury, in coordination with the Comptroller of the Department of Defense (C, DoD).

c. Review and approve Military Service plans for use of supplemental and special skills benefits.

d. Provide guidance for payroll deductions by Service members enrolled in the MGIB Program.

e. Provide information and data required by reference (d) to the Department of Defense Educational Benefits Fund Board of Actuaries, in coordination with the C, DoD.

f. Ensure that the Assistant Secretary of Defense for Reserve Affairs shall submit the annual report to the Congress required by Section 2134 of reference (c) and other responsibilities, including, but not limited to, those specified in DoD Instruction 1322.17 (reference (e)).

2. The Comptroller of the Department of Defense shall:

a. Provide guidance on budgeting, accounting, and funding for the educational benefits program in support of policies established in this Directive, and for investing the available DoD Education Benefits Fund balance.

b. In coordination with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), review and approve the Military Department budget estimates for the MGIB Program.

3. The Secretaries of the Military Departments shall:

a. Issue regulations, policies, and instructions governing the administration of the programs established under Chapter 30 of 38 U.S.C. (reference (d)), consistent with this Directive and the needs of the Military Services.

b. Develop procedures to ensure that all new active duty Service members without prior active duty Service, as of July 1, 1985, and AGR members without prior active duty service (other than for training), are counseled and given the opportunity to disenroll from the MGIB Program within 2 weeks of entry on active duty. DD Form 2366, "Montgomery GI Bill Act of 1984 (MGIB)," shall be used for that purpose. (See enclosure 4.)

c. Ensure that all eligible active duty Service members are aware that they are automatically eligible for educational assistance under the MGIB unless they elect not to receive such benefits, except as provided under temporary authority such as transition benefit programs. Enrolled Service members who elect not to use the benefit or fail to qualify for the benefit may not recover the amount previously deducted from their pay.

d. Implement procedures to make deductions from the Service member's pay, as required by Pub. L. No. 98-525 (1984), Title VII (reference (b)). DD Form 2366 shall be used for that purpose.

e. Advise all officers following commissioning through Service Academies or a Reserve Officers' Training Corps (ROTC) scholarship program that they are ineligible for benefits under Chapter 30 of reference (d). All such officers must sign block 2.a.(1) of DD Form 2366.

f. Determine the need for special skills benefits, and submit plans to the USD(P&R) for approval. That submission should include justification, skills for which benefits would be offered, other special incentives offered in those skills, estimated number of participants, costs, eligibility requirements, and management and evaluation plans.

g. Provide active duty participants with individual preseparation counseling on benefits under the MGIB Program under Chapter 30 of reference (d) and the procedures for, and advantages of, affiliating with the Selected Reserve, if eligible to do so. A notation that such counseling has been provided shall be signed by the participant and placed in each participant's Service record.

h. Provide Service members with a copy of DD Form 2366 at separation.

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i. Ensure eligibility criteria are met, as established in enclosure 3.

j. Maintain records of participating personnel and provide those data to the DVA and to the Office of the Secretary of Defense, to include data on members receiving a special skills benefit under Section 3015(c) of 38 U.S.C. (reference (d)), supplemental educational assistance under Section 3021(b) of reference (d), and those who receive this benefit due to signing an agreement to serve in the Selected Reserve for a minimum of 4 years.

k. Provide data on the MGIB Program under reference (d) through the magnetic tape extracts of active duty and Active Guard and Reserve (AGR) military personnel records submitted to the Defense Manpower Data Center, and specific information to the Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy) under the authority of Report Control Symbols DD-P&R(AR)1221, DD-RA(Q)1147, and DD-RA(Q)1148.

l. Use DoD standard data elements and codes established by DoD Instruction 5000.12 (reference (f)) when specified. Other data elements and codes should be registered in the DoD Data Element Program. If specific coding instructions are not provided, reference shall be made to DoD 5000.12-M (reference (g)). The Military Service failing to comply either with the coding instructions or with codes registered in the DoD Data Element Program shall be responsible for the conversion costs in accomplishing data interchange.

m. Provide an extended opportunity to enroll to those Service members involuntarily separated under honorable conditions, who previously elected not to participate in the MGIB Program under Pub. L. No. 98-525 (1984), Title VII (reference (b)), but withdraw such election before separation, as follows:

(1) Service members enrolled in the Veterans Educational Assistance Program (VEAP), as well as those not enrolled, who entered active duty during the VEAP period (Chapter 32 of reference (d)), shall be granted an opportunity to enroll in the MGIB Program before involuntarily separating. Members enrolled in the VEAP shall, as a condition of receiving MGIB benefits, irrevocably elect to participate in the MGIB Program (reference (d)) instead of receiving benefits under the VEAP. A Service member cannot be enrolled in both programs.

(2) Service members who do not meet the eligibility criteria for conversion from the "Vietnam Era GI Bill" under reference (d) shall be granted an opportunity to enroll in the MGIB Program before they are involuntarily separated.

(3) In no case shall an individual entitled to educational assistance under more than one program be allowed to receive assistance under two or more programs concurrently.

(4) To qualify for enrollment in or conversion to the MGIB Program under the involuntary separation program notwithstanding any other law, Service members must:

(a) Be subject to involuntary separation (as defined in Section 1141 of 10 U.S.C., reference (c)) that shall result in an honorable discharge.

(b) Be on active duty on or after September 30, 1990.

(c) Have their basic pay reduced by a total of 1,200 dollars.

n. Provide an extended opportunity to enroll in the MGIB Program, as provided in Pub. L. No. 102-484 (1992) (reference (h)), to those Service members voluntarily separated under voluntary separation incentive (VSI) or special separation benefits (SSBs), including those who previously elected not to participate under Pub. L. No. 98-525 (1984), Title VII (reference (b)), but now withdraw such election before separation. They include the following:

(1) Service members enrolled in the VEAP, Chapter 32 of 38 U.S.C. (reference (d)), shall be granted an opportunity to enroll or convert under reference (h) before separating. Members enrolled in the VEAP shall, as a condition of receiving benefits under reference (h), make an irrevocable election to participate in the MGIB Program under reference (d) instead of receiving benefits under the VEAP.

(2) Service members who do not meet the eligibility criteria of reference (d) for conversion from the "Vietnam Era GI Bill" shall be granted an opportunity to enroll in the MGIB Program before being separated.

(3) To qualify for enrollment under reference (h), notwithstanding any other law, Service members must do the following:

(a) Be subject to voluntary separation as defined in Sections 1174a or 1175 of reference (c) that shall result in an honorable discharge on or after December 5, 1991.

(b) Have their basic pay or VSI reduced by a total of 1,200 dollars if electing participation in the MGIB Program before separation from active duty.

(c) Pay 1,200 dollars to the Treasurer of the United States through the DVA if electing participation in the MGIB Program after termination of active duty.

F. PROCEDURES

1. Eligibility Criteria. (See enclosure 3.)
2. Educational Assistance Benefits

a. Basic Benefit Rates

(1) Four hundred dollars a month, under Pub. L. No. 102-568 (1992) (reference (i)), for an approved educational program pursued on a full-time basis or at an appropriately reduced rate determined by the Secretary of the VA for less than full-time enrollment. A Service member who has served 3 or more continuous years on active duty, or has served for at least 2 continuous years on active duty and is within 1 year of completing his or her active duty Service and subsequently signs an agreement to serve a minimum of 4 years in the Selected Reserve, is entitled to 400 dollars; or

(2) Three hundred twenty-five dollars a month for an approved educational program pursued on a full-time basis or at an appropriately reduced rate, determined by the Secretary of the VA for less than full-time enrollment for a Service member who has an initial period of active duty of less than 3 years.

(3) For an individual who, on December 31, 1989, was entitled to educational assistance under Chapter 34 of 38 U.S.C. (reference (d)), the rate of basic educational assistance shall be increased by an amount equal to one-half of the educational assistance that the individual would have received under Chapter 34 of reference (d), if it was in effect at the time. The number of months for which the rate of basic educational assistance is increased under Chapter 34 of reference (d) may not exceed the number of months of educational assistance that the individual had remaining under Chapter 34 of reference (d) on December 31, 1989.

(4) On October 1 of each fiscal year (FY), the Secretary of the VA shall provide a percentage increase in the monthly rates payable equal to the percentage by which the Consumer Price Index (CPI) for the 12-month period ending June 30, 1993 exceeds the CPI for the 12-month period ending June 30, 1992. For FY 1994 and beyond, the Secretary of the VA shall continue to pay the percentage increase using that formula, if applicable (Pub. L. No. 102-568 (1992), reference (i)).

(5) Since July 1, 1985, MGIB participants who have a

less than 3-year Service obligation and have continually served more than 3 years shall receive the same benefit rate as those who initially obligated for 3 years, or more, for payment starting September 1, 1993.

b. Duration

(1) The aggregate period for which any one person may receive assistance from any two or more programs under Chapters 30, 32, and 34 through 36 of 38 U.S.C., or Chapters 106 and 107 of 10 U.S.C. (references (d) and (c)), may not exceed 48 months.

(2) Individuals who have met the basic eligibility requirements in enclosure 3 are entitled to the basic benefit amount for 36 months of basic educational assistance or the equivalent in part-time educational assistance.

(3) Individuals qualifying for benefits under enclosure 3, paragraphs A.1.a. through A.1.c., are entitled to 1 month of educational assistance for each month of continuous Service toward their initial obligated period of active duty, after June 30, 1985.

c. Supplemental Educational Assistance for Active Duty Members. Those benefits may be paid at the discretion of the Secretary of Defense to active duty participants in the basic MGIB Program who serve 5 or more consecutive years of active duty over and above their initial obligated period of Service. Those benefits shall be at a monthly rate of 300 dollars for up to 36 months for an approved program of education pursued on a full-time basis or at a reduced rate determined by the Secretary of the VA for less than full-time enrollment.

d. Special Skill Benefits (Also Known as "Kickers")

Those benefits may be added at the discretion of the Secretary of Defense to the basic or supplemental benefit of Service members with skills or specialties that are difficult to recruit or that have critical personnel shortages. The additional benefit can be up to 400 dollars each month paid above the basic benefit for individuals who first became members of the Armed Forces before November 29, 1989, and up to 700 dollars paid each month for individuals who first became a member of the Armed Forces on or after that date.

e. Benefits for Members Pursuing a Program of Education While Still on Active Duty. Service members who serve their initial obligated period of 2 years on active duty after June 30, 1985, continue on active duty or are in the Selected Reserve

without a break in Service or, as of December 31, 1989, are eligible for benefits under Chapter 34 of 38 U.S.C. (reference (d)) are eligible for in-Service use of benefits.

f. Benefits for Individuals Pursuing Education on Active Duty on a Less Than Half-Time Basis. The amount of educational assistance shall be the lesser of the amount of assistance authorized under Chapter 30 of reference (d), or the established institutional charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same program.

g. Benefits for Members of the Selected Reserve. Refer to DoD Instruction 1322.17 (reference (e)) for details on the Montgomery GI Bill for the Selected Reserve.

h. Tutorial Assistance. An eligible individual who is enrolled in and pursuing a postsecondary course of education on a half-time or more basis and who has a deficiency in a subject required as a part of, or that is a prerequisite to, that approved program of education, may apply for individualized tutorial assistance, if such assistance is necessary for the veteran to complete such program successfully. The charges may not exceed the customary charges for such tutorial assistance and shall not exceed 100 dollars each month for a maximum of 1,200 dollars. Tutors cannot be the veteran's parents, spouses, children, brothers, or sisters.

i. Time Limitation. As a general rule, eligible individual entitlements expire at the end of a 10-year period beginning on the members last date of discharge or release from active duty. The Secretary concerned shall determine the last date of discharge or release if such date cannot be clearly determined under Section 3031 of reference (d). Additional guidance is in Section 3031 of reference (d).

j. Flight Training. An eligible individual shall receive 60 percent of established charges for tuition and fees when pursuing an approved program of education consisting exclusively of flight training. The number of solo hours may not exceed the minimum number of training hours required to obtain the license. Additional guidance is provided at Section 2131(g) of 10 U.S.C. (reference (c)) and Section 3473(b) of reference (d).

k. Death Payment. A participating member who dies on active duty or within 1 year of release from active duty for Service-connected causes is entitled to designate a "survivor" who shall be paid benefits equal to the participant's actual military pay reduction less any education benefits paid.

3. Enrollment. A Service member with no prior active duty is automatically enrolled on entry to active duty. All eligible

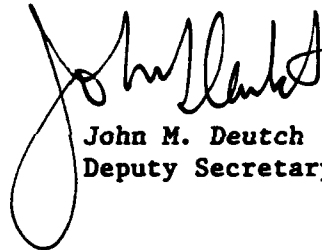
Service members must be counseled within 2 weeks of entry on active duty, advised of their right to participate, and offered the option of disenrollment. Each Service member shall execute DD Form 2366, which becomes part of the Service member's permanent record, copies of which should be given to the individual, and placed in the individual's finance, personnel, and permanent record. Service members who do not decline the automatic enrollment in the MGIB Program shall receive a reduced pay (less 100 dollars each month) from their base pay for each of their first 12 full months of active duty. The deduction is nonrefundable.

G. INFORMATION REQUIREMENTS

The Secretary Defense shall submit to the Congress, beginning in 1986, every other year, a report on the operations of the MGIB Program containing the information required in Section 3036, Chapter 30, of 38 U.S.C. (reference (d)).

H. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. The Secretaries of the Military Departments shall forward two copies of implementing documents to the Under Secretary of Defense for Personnel and Readiness within 120 days.



John M. Deutch
Deputy Secretary of Defense

Enclosures - 4

1. References
2. Definitions
3. Active Duty Educational Assistance Program
4. DD Form 2366, "Montgomery GI Bill Act of 1984 (MGIB)," SEP93

REFERENCES, continued

- (e) DoD Instruction 1322.17, "'Montgomery GI Bill' for the Selected Reserve," November 21, 1991
- (f) DoD Instruction 5000.12, "Data Elements and Data Codes Standardization Procedures," April 27, 1965
- (g) DoD 5000.12-M, "DoD Manual for Standard Data Elements," July 1989, authorized by DoD Instruction 5000.12, April 27, 1965
- (h) Public Law 102-484, "National Defense Authorization Act For Fiscal Year 1993," October 23, 1992
- (i) Public Law 102-568, "Veterans' Benefits Act of 1992," October 29, 1992
- (j) Title 32, United States Code
- (k) DoD Directive 1332.14, "Enlisted Administrative Separations," January 28, 1982

DEFINITIONS

1. Active Duty. Full-time duty in the Armed Forces of the United States and includes full-time National Guard service first performed after November 29, 1989 by a member of the Army or Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve. It does not include any period during which a Service member:

a. Served as a cadet or midshipman at one of the Service academies;

b. Served under the provisions of section 511(d) of 10 U.S.C. (reference (c)), pursuant to an enlistment in the Army or Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; or

c. Was assigned full-time by the Armed Forces to a civilian institution for a course of education that was substantially the same as established courses offered to civilians.

2. Active Guard Reserve (AGR) Personnel. National Guard and Reserve members on full-time active duty to support the National Guard and Reserve component and are paid from the National Guard and Reserve personnel appropriations. AGR members on active duty under 10 U.S.C. are eligible for benefits under Chapter 30 of 38 U.S.C. (references (c) and (d)) if they meet the eligibility criteria established in enclosure 3. AGR members on full-time National Guard duty under 32 U.S.C. (reference (j)) are eligible for benefits under Chapter 30 of reference (d), if they meet eligibility criteria established in enclosure 3 of this Directive.

3. Basic Educational Assistance (for Active Duty Service)

Benefits under Subchapter II, Chapter 30, of reference (d) for Service members who become eligible after June 30, 1985, better known as the "Montgomery GI Bill."

4. Convenience of the Government Discharge. As defined in sub-sections C.1. through C.3., enclosure 3 of DoD Directive 1332.14 (reference (k)).

5. Equivalency Certificate. A credential awarded based on successful completion of any of the following:

a. General Education Degree (GED) certificate;

b. High school diploma based on a GED;

- c. Correspondence school;
- d. California High School Proficiency Examination;
- e. High school attendance certificate;
- f. High school completion certificate;
- g. Adult education certificate or diploma; or
- h. "External" or competency-based diploma.

6. Established Charges. Educational costs that similarly circumstanced nonveterans enrolled in the same flight course are required to pay by the Federal Aviation Administration for rating and certification. Effective date for payment for solo training is September 30, 1992.

7. First Becomes A Member Of The Armed Forces. The time at which an individual first enlists or first is appointed as an officer in a Regular or Reserve component.

8. Force Reduction Transition Period. The period beginning on October 1, 1991, and ending on September 30, 1999.

9. High School Diploma. A certificate granted to an individual who successfully completes a secondary school program.

10. Involuntary Separation. Separation of a member with an honorable discharge, or a discharge under honorable conditions, where the member has served more than 6 years, but less than the number of years required to qualify the member for retirement or retainer pay, under Chapter 59 of 10 U.S.C. (reference (c)).

11. Post-Vietnam Era Veterans' Educational Assistance Program, Chapter 32 of 38 U.S.C. (Reference (d)). Contributory educational assistance program for eligible personnel who initially entered active duty during the period January 1, 1977, through June 30, 1985.

12. Secretary Concerned. For a member of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard when it is operating as a Service of the Department of the Navy, that term means the Secretary of the Military Department with jurisdiction over that member. For a member of the Coast Guard when the Coast Guard is operating as a service of the Department of Transportation, the term means the Secretary of Transportation has jurisdiction over that member.

13. Special Skills Benefits. The level of benefit payable to an individual under Section 3015(c) of reference (d), who possesses a

determined skill or a specialty for which a critical shortage exists at the time of application. Designation of "critical skills" or "specialties" is based on a critical shortage of personnel, or for which skills or specialties recruiting difficulties exist. Designation of "critical skills" or "specialties" is done by the Secretary of the Military Department concerned, or for the Coast Guard when it is not operating as a Service of the Department of the Navy, the Secretary of Transportation.

14. Supplemental Educational Assistance. The benefits paid to an eligible member besides the basic educational assistance, because of the individual's qualifying service, as in Section 3021(b) of 38 U.S.C. (reference (d)).

15. Transition. A change in military status from "active duty" by discharge or separation, caused by a mandated reduction in the force size. The Department of Defense provides various benefits depending on the status of the member, the statute that mandates the transition, and the program under which the member separates or is discharged.

16. Veterans' Educational Assistance ("Vietnam Era GI Bill") Chapter 34 of reference (d). Benefits for eligible Service members who served during the period February 1, 1955, through December 31, 1976.

ACTIVE DUTY EDUCATIONAL ASSISTANCE PROGRAM

ELIGIBILITY CRITERIA FOR BASIC EDUCATIONAL ASSISTANCE FOR SERVICE ON ACTIVE DUTY

A. To be eligible for basic educational assistance, a Service member must do the following:

1. Enter on active duty, other than active duty for training, for the first time on or after July 1, 1985, as follows:

a. Does not decline educational assistance under the MGIB Program;

b. Serves on active duty, as follows:

(1) At least 3 years of continuous active duty as the individual's initial obligated period of active duty;

(2) At least 2 years of continuous active duty if the individual's initial period of active duty is less than 3 years; or

(3) Two years of active duty followed in 1 year by 4 years of satisfactory participation within the Selected Reserve.

c. Is discharged or released from active duty for a Service-connected disability, for a preexisting medical condition that the Secretary concerned determines is not Service connected, for hardship, or for a physical or mental condition that did not result from the individual's own willful misconduct, but did interfere with duty performance;

d. Is discharged for the convenience of the Government, for an individual who completed not less than 20 months of continuous active duty if the initial obligated period of duty was less than 3 years, or not less than 30 months of continuous active duty, if the initial obligated period of duty was less than 3 years;

e. Is involuntarily separated for the convenience of the Government as a result of a reduction in force; or

f. Continues on active duty and is discharged from active duty with an honorable discharge or released from Service on active duty characterized as "honorable" under VSI and/or SSB.

2. As of December 31, 1989, be eligible for educational assistance under Chapter 34 of 38 U.S.C. (reference (d)) and on active duty at any time during the period beginning October 19,

1984, and ending on July 1, 1985.

3. Have a secondary school diploma, equivalency certificate, or 12 semester hours of college before completion of initial period of active duty not later than the following:

a. The original ending date of the individual's initial obligated period of active duty or October 28, 1994, if an individual was on active duty on August 2, 1990; or

b. December 31, 1989, for individuals described in paragraph A.1.b., above.

4. Be discharged for a Service-connected disability, hardship, preexisting medical condition that is not Service connected, physical or mental condition not resulting from willful misconduct, but interfering with performance of duty, or reduction in force, and re-enters the Service after an initial period on active duty of not more than 12 months and shall be deemed to have served a continuous period of active duty whose length is the aggregate of the period of active duty under Pub. L. No. 102-568 (1992) (reference (i)).

5. Be assigned full-time by the Armed Forces to a civilian institution for a course of education under Section 3002 (6) of 38 U.S.C. (reference (d)), which shall not be considered to have a break in Service or a break in continuous period of active duty for eligibility under reference (i), retroactive to July 1, 1985.

6. Be deemed to have served a continuous period of active duty equal to the aggregate length of two periods if originally participating in the MGIB Program while on active duty, then enrolled in a Service academy or a Service academy preparatory school, and then fails to complete the course of education to immediately re-enter active duty under reference (i). This is retroactive to July 1, 1985; however, benefits shall not start until October 1, 1993.

7. Be discharged from Military Service with an "honorable" discharge, be placed on the retired list, be transferred to the Fleet Reserve or the Fleet Marine Corps Reserve, be placed on the temporary disability retired list, be continued on active duty, or be released from active duty for further Military Service in a Reserve component of the Armed Forces after Military Service on active duty characterized by the Secretary of the Military Department concerned or, for the Coast Guard when it is not operating as a Service in the Department of the Navy, by the Secretary of Transportation as "honorable" Service.

8. Be eligible to enroll during the "open period" of December 1, 1988, through June 30, 1989, did elect to participate in

the MGIB Program, and did pay 1,200 dollars.

B. Enrolled Service members shall have their pay reduced by 100 dollars each month for their first 12 full months of active duty. Any amount that basic pay is reduced shall revert to the Treasury. Service members are enrolled unless they specifically decide not to enroll. That decision shall take place in the first 2 weeks of entry on active duty. All Service members entering active duty shall be advised of their right not to enroll and offered the opportunity to elect not to enroll.

C. A Service member who, after December 31, 1976, is commissioned as an officer of the Armed Forces on graduation from a Service academy, or on completion of a program of educational assistance, under Section 2107 of 10 U.S.C. (reference (c)), the ROTC Scholarship Program, is not eligible to participate in the MGIB Program. That does not apply to individuals who involuntarily separated after February 2, 1991, or VSI and/or SSB separatees.

D. An individual's initial obligation period of active duty shall not include any period terminated because of a defective enlistment, induction based on being a minor, erroneous enlistment or induction, or a defective enlistment agreement.

MONTGOMERY GI BILL ACT OF 1984 (MGIB)

(Chapter 30, Title 38, U.S. Code)

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 30, Title 38, US Code, Sections 3011, 3012, 3018A, and 3018B; and EO 9397.

PRINCIPAL PURPOSE: To establish eligibility to participate in the Montgomery GI Bill Act of 1984.

ROUTINE USES: Information will be used as a source document indicating participation status of each servicemember in the Montgomery GI Bill benefits program. Determination of participation status or eligibility will involve computer matching between the Department of Defense and the Department of Veterans Affairs using information from this document.

DISCLOSURE: Voluntary; however, failure to provide Social Security Number and other personal information may delay processing of this form and may result in the respondent being automatically enrolled in the MGIB.

1. SERVICE MEMBER (Print)

a. NAME (LAST, First, Middle Initial) **BRONSON, Steve R.** b. SOCIAL SECURITY NUMBER (SSN) [REDACTED]

2. STATEMENT OF UNDERSTANDING**a. ACADEMY / ROTC SCHOLARSHIP GRADUATES**I am **NOT** eligible for the MGIB because I am a Service Academy graduate / Reserve Officers' Training Corps (ROTC) scholarship graduate.

(1) SERVICE MEMBER SIGNATURE (2) RANK / GRADE (3) DATE SIGNED (YYMMDD)

b. PRIOR SERVICE MEMBERI am **NOT** eligible for the MGIB based upon this enlistment because this is not my initial entry on active duty.

(1) SERVICE MEMBER SIGNATURE (2) RANK / GRADE (3) DATE SIGNED (YYMMDD)

c. ALL OTHER SERVICE MEMBERS

- (1) I am eligible for the MGIB based on my initial entry on active duty after June 30, 1985.
- (2) I understand that I am automatically enrolled unless I exercise the option to disenroll by signing Item 4 below by the date designated by my Services.
- (3) I understand that **UNLESS I DISENROLL** from the MGIB, my basic pay will be reduced \$100 per month or the current monthly rate for EACH of the first 12 full months of active duty and this basic pay reduction **CANNOT** be REFUNDED, SUSPENDED OR STOPPED.
- (4) I must complete 36 months of active duty service before I am entitled to the current rate of monthly benefits for a period of 36 months.
- (5) If my obligation is less than 36 months, I understand that I must complete 24 months of active duty to receive the current rate of monthly benefits for a period of 36 months.
- (6) I must complete 24 months of active duty service and must join and serve honorably in the Selected Reserve for a minimum of 48 months in order to receive the current rate of monthly benefits for members who completed 36 months of service.
- (7) If a non-high school graduate, I must complete all high school diploma (or equivalency) requirements before completing my initial enlistment; or if on active duty August 2, 1990, prior to October 28, 1994.
- (8) I must use the MGIB within 10 years of release/discharge from active duty or completion of Selected Reserve obligation if qualifying under paragraph (6).
- (9) I must receive an **HONORABLE** discharge for service establishing entitlement to the MGIB.
- (10) I may use benefits in-service after 24 months of active duty. Benefits are limited to the cost of tuition and fees or the amount of assistance authorized, whichever is less.
- (11) If I die while on active duty, or within one year after discharge or release from active duty if service related, my designated beneficiary(ies) will receive the unused balance of the money reduced from my basic pay for the MGIB. This death benefit will be paid by the Department of Veterans Affairs (DVA).
- (12) I cannot receive any combination of DVA benefits in excess of 48 months and if I have received 12 months or more of benefits under any other VA program, my MGIB benefits will be appropriately adjusted.
- (13) My qualifying period of active duty service will not entitle me to both active duty MGIB and Selected Reserve MGIB benefits.

(a) SERVICE MEMBER SIGNATURE

Steve R. Bronson

(b) RANK/GRADE

PVT/E-1

(c) DATE SIGNED (YYMMDD)

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3. SERVICE UNIQUE EDUCATION ASSISTANCE OPTIONS**4. STATEMENT OF DISENROLLMENT**I **DO NOT** desire to participate in the MGIB. I understand that I **WILL NOT** be able to enroll at a later date

a. DATE SIGNED (YYMMDD)

b. RANK/GRADE

c. SERVICE MEMBER SIGNATURE

5. WITNESSING OFFICIAL

a. TYPED OR PRINTED NAME (LAST, First, Middle Initial)

STINSON, Mary L.

b. RANK/GRADE

SFC/E-7

c. SIGNATURE

Mary L. Stinson

d. DATE SIGNED (YYMMDD)

930930

MONTGOMERY GI BILL ACT OF 1984 (MGIB)

DD FORM 2366 GENERAL INSTRUCTIONS

PURPOSE: The DD Form 2366 provides an official record of each Service Member's decision regarding participation in the Montgomery GI Bill (MGIB) program. It is also used to ensure that the member understands his/her Montgomery GI educational entitlements. College fund benefits must be listed on the official contract.

RESPONSIBILITIES AND PROCEDURES

In-Processing. By law, the DD Form 2366 (Montgomery GI Bill Act of 1984 (MGIB)) must be completed and signed by new recruits within 14 days after entering the Service. The completed DD Form 2366 is the official record of the member's decision and becomes a part of his/her permanent personnel record. Each Service Member is to be informed of his/her eligibility for either the Montgomery GI Bill benefits or eligibility for Loan Repayment and the Army College Fund (ACF), Navy College Fund (NCF) benefits or the Marine Corps College Fund (MCCF). Each member is provided a one-time opportunity to waive his/her Montgomery GI Bill entitlement. Exceptions are Involuntary Separates under PL 101-510 and Section 561, and Voluntary Separates in accordance with PL 102-484, Section 4404.

Separation Processing. Military personnel counselors will review DD Form 2366 with each member reenlisting or separating from active duty to ensure that he/she understands the status of his/her eligibility and specific benefits. Each member will be provided a copy of his/her DD Form 2366 upon separation.

Validation of Entitlement. In coordination with the Department of Defense, the Department of Veterans Affairs independently validates a member's entitlement when the member enrolls in an educational institution.

ITEM 1. SERVICE MEMBER

a. Name. Print LAST, First, Middle Initial (and maiden name, if any), Jr., Sr., III, etc.
Examples: (a) SMITH, John R. Jr.; (b) JOHNSON, Mary L. (BROWN)

b. Social Security Number (SSN). Enter the 9 digits in the appropriate block.

ITEM 2. STATEMENT OF UNDERSTANDING

a. Academy/ROTC Scholarship Graduates. To be completed for Service academy and ROTC scholarship graduate who is eligible for Montgomery GI Bill benefits.

(1) Service Member Signature. Obtain signature of Academy and ROTC graduate.

(2) Rank/Grade. Enter Rank first and Grade last. Example: PVT/E-1

(3) Date Signed. Enter date as follows: YYMMDD. Example: 930615

b. Prior Service Member. To be completed by former Service Member.

(1) Service Member Signature. Obtain signature of Service Member.

(2) Rank/Grade. Enter Rank first and Grade last. Example: PVT/E-1

(3) Date Signed. Enter date as follows: YYMMDD. Example: 930615

c. All Other Service Members. Counselor will explain all items in this block to Service member. Service member will ensure that he/she understands all 13 items.

(a) Service Member Signature. Obtain signature of Service Member.

(b) Rank/Grade. Enter Rank first and Grade last. Example: PVT/E-1

(c) Date Signed. Enter date as follows: YYMMDD. Example: 930615

ITEM 3. SERVICE UNIQUE EDUCATION ASSISTANCE OPTIONS. If applicable, enter the specific Army College Fund, Navy College Fund, Marine Corps College Fund (MCCF), or Loan Repayment Enlistment Option: include pertinent term of service, reserve obligation, and military skill information; reference other relevant enlistment contract appendices. Ensure that Service member understands prerequisite requirements and benefits. This block should include the appropriate enlistment contract form number. Service member must be made aware that the DD Form 2366 is not an enlistment contract.

ITEM 4. STATEMENT OF DISENROLLMENT. Service counselor will ensure the Service member fully understands the Statement of Disenrollment.

a. Date Signed. Enter date as follows: YYMMDD. Example: 930615

b. Rank/Grade. Enter Rank first and Grade last. Example: PVT/E-1

c. Service Member Signature. Obtain signature of Service member only if he/she elects to forego his/her benefits. Service counselor will ensure that the member fully understands the consequences of his/her decision.

ITEM 5. WITNESSING OFFICIAL. Self-explanatory.

a. Typed or Printed Name. Print LAST, First, Middle Initial (and maiden name, if any), Jr., Sr., III, etc.
Examples: (a) SMITH, John R. Jr.; (b) JOHNSON, Mary L. (BROWN)

b. Rank/Grade. Enter Rank first and Grade last. Example: SFC/E-7 or GS 7

c. Signature. Obtain signature of witnessing official

d. Date Signed. Enter date as follows: YYMMDD. Example: 930615